IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3694 OF 2007

Yeyati Dnyaneshwar Phadake ...Applicant
Vs.
State of Maharashtra ...Respondent

WITH
CRIMINAL APPLICATION NO.3695 OF 2007

Mahesh Amin ...Applicant
Vs.
State of Maharashtra ...Respondent

Mr. H.S. Venegaonkar a/w. Vinod Wagh Advocate for Applicants
Mr. P.A.Pol, A.P.P for the State

CORAM: SHRI J.H. BHATIA,J.
DATED: 6TH NOVEMBER, 2007
(VACATION COURT)

P.C.

1. Heard the learned Counsel for the applicants and Mr. P.A. Pol, A.P.P for the State.

2. Perused the investigation papers. The applicants seek

anticipatory bail in Crime No. 156 of 2007 registered at Hill Line Police Station, Ulhasnagar on the allegations that they had misappropriated the goods worth Rs.13,56,497/- from the Food Land Fresh in the name of Radhakrushna Consumers Services Pvt. Ltd., where they were working as Manager and Assistant Manager.

3. The Applicants seek anticipatory bail on the ground that they have been falsely implicated in this case.

4. According to prosecution custodial interrogation of the present applicants is necessary for the purpose of proper investigation for identification of the traders to whom such goods might have been sold and for recovery of the goods.

5. On the other hand learned Counsel for the applicants pointed out that there is serious variance in the stock as per the physical stock cheking and the stock shown by the Software of the Company. He has also pointed out that as per the message given by the Company immediately after the registration of the offence to various branches it is clear that there was some problem with the Software.

6. Taking into consideration the nature of offence it is necessary for the police to take help of some person who is well versed in the working of Software for the purpose of proper investigation. In view of the same in my opinion the applicants who are the young boys need not be put in the police custody. Purpose will be served if they are made available to police for the purpose of investigation as and when required.

7. In view of the above circumstances, I hereby direct that in case of arrest in Crime No.156 of 2007 registered with the Hill Line Police Station, Ulhasnagar, the applicants be released on their executing P.R. Bond of Rs.10,000/- each with surety in like amount each with condition that they shall make themselves available to police as and when required for the purpose of investigation and they shall fully co-operate in the investigation. They shall not misuse the bail and shall not tamper with the evidence.

8. All parties to act on authenticated copy of this order.

(J.H.BHATIA, J.)